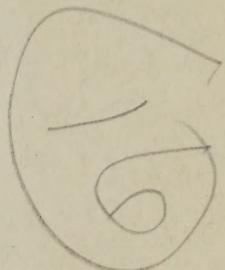


UNIVERSITY OF ILLINOIS LIBRARY

APR 2 1919

FINAL REPORT
OF THE
Oregon-
**CONSOLIDATION
COMMISSION**
TO THE
GOVERNOR
AND THE
THIRTIETH LEGISLATIVE ASSEMBLY



A. J. Johnson, Banker, Chairman	- - - - -	Corvallis
T. J. Scroggins, Banker	- - - - -	La Grande
John H. Carkin, Lawyer	- - - - -	Medford
J. C. Fullerton, Lawyer	- - - - -	Roseburg
Frank Patten, Banker	- - - - -	Astoria
Charles Rudeen, Packer	- - - - -	Portland
Herman von Borstel, Realty Broker, Secretary	- - - - -	Portland



353.9795
Or 3f

STATE REPORTS

13/Vb 23

To the Honorable James Withycombe, Governor, and the Thirtieth Legislative Assembly of the State of Oregon.

Gentlemen: The report of the Consolidation Commission was submitted late in the fall of 1918. It was therein promised that some further investigations would be made and in keeping with our final findings a bill would be prepared and submitted for your consideration. This has been done through an executive committee duly appointed at the last regular meeting of the commission.

Through lack of funds this has necessitated much work by the individual members of this executive committee and has carried us well up into the work of the session before being able to gather all the data necessary to enable us to prepare a bill in keeping with the general recommendations of our commission and also to embody therein such consolidations as would seem most practical and which do not encounter constitutional obstacles. In the preparation of this bill we are covering the following departments: Taxation and revenue, education, labor, health, agriculture, trade and commerce, public welfare and public works and domain. As will be observed, we are leaving out of consideration entirely the general administration and finance and are not suggesting interference with the principal elective officers.

We submit that there is a strong feeling throughout the State favorable to some well defined system of consolidation or reorganization of our state departments and from the experience of many cities and not a few states throughout the United States, coordination of departments along the lines here suggested have proved most satisfactory and has been the means of effecting quite large savings to the taxpayers. However, the greater efficiency to come to our State under this reorganization would in our judgment be of even greater benefit than the saving and expense. With this thorough reorganization of our state departments there would always be a place in which to throw any new bureau it might be found in the future necessary to establish or a place to do such new work and thus save the creation of any new bureau or department.

Might we not suggest for your consideration that since the session is quite well advanced and perhaps the members would not feel that they would have ample time to carefully consider the bill which we here recommend, that the same might be submitted to a vote of the people at the next regular or special election?

We beg to call your special attention to the fact that the Legislature of the State of Idaho now in session has just passed a similar bill reorganizing their state government even in a more complete way than is hereby suggested.

As to the appointment of the heads of those departments other than those now made elective by statute, we ask your careful consideration to the fact that in practically all other states that have tried out this and other plans, much better results are obtained by placing the responsibility upon the governor by placing the appointing power in him and we are convinced after careful consideration that it is only a question of time when all the better organized and best managed state governments will rely upon this method of placing the responsibility upon the executive head. It must be remembered that this does not mean additional appoint-

DIRECT

6

SEP 9 1919

ive power in the hands of the governor. It is quite a reduction in his power of appointments, but it does mean that he has the appointment of the heads of these departments and thereby the department is made responsible to him and he is likewise responsible to the people of the state.

We wish to call your special attention to the general benefit which must accrue to our state through the consideration of state affairs by the cabinet provided by this bill consisting of the governor, secretary of state, state treasurer, attorney-general and the commissioners of the eight departments whereby proper consideration of all important matters could and would be duly considered and proper cooperation of all departments could thereby be had.

In addition to the bill which follows, we wish to renew our recommendation for the adoption of the constitutional amendment providing for the election of a lieutenant governor; also that a state auditor be provided and also that a proper system of civil service be installed.

In conclusion we wish to thank our state officials and citizens generally for their kind cooperation, and particularly does the chairman wish to thank Mr. Carkin, one of our members, for his devotion and work in the preparation of the bill here submitted; also the attorney-general and his assistants for their help in the preparation of said bill and to express the hope that our work may be of assistance to you in this very difficult problem of consolidation of boards and commissions.

In submitting this bill and these recommendations, we do so feeling that we have discharged our duty under the resolution providing for our appointment and we leave the further consideration of the question entirely with you and trust that out of it all may come some satisfactory consolidation legislation.

Respectfully submitted,

A. J. JOHNSON, Chairman

HERMAN VON BORSTEL, Secretary

JOHN H. CARKIN, Attorney

Executive committee of the Consolidation Commission

A BILL

For an Act relating to the civil administration of the State government and repealing all Acts in conflict therewith.

Be It Enacted by the People of the State of Oregon:

Section 1. This Act shall be known as "The Civil Administrative Code of Oregon."

Section 2. The word "department" as used in this Act, shall, unless the context otherwise clearly indicates, mean the several departments of State government as designated in Section 3 of this Act, and none other.

Section 3. Departments of the State government are created as follows:

The department of taxation and revenue.

The department of education.

The department of labor.

The department of health.

The department of agriculture.

The department of trade and commerce.

The department of public welfare.

The department of public works and domain.

Section 4. Each department shall have an officer at its head who shall be known as a commissioner, and who shall, subject to the provisions of this Act, execute the powers and discharge the duties vested by law in his respective department.

The following offices are hereby created:

Commissioner of taxation and revenue for the department of taxation and revenue.

Commissioner of education for the department of education.

Commissioner of labor for the department of labor.

Commissioner of health for the department of health.

Commissioner of agriculture for the department of agriculture.

Commissioner of trade and commerce for the department of trade and commerce.

Commissioner of public welfare for the department of public welfare.

Commissioner of public works and domain for the department of public works and domain.

Section 5. In addition to the commissioners of departments, the following executive and administrative officers, boards and commissions are hereby created in the respective departments, who shall hold offices hereby created and designated as follows:

In the department of education:

Superintendent of registration for the bureau of registration.

In the department of labor:

Superintendent of industrial welfare for the bureau of industrial welfare.

The industrial accident commission, which shall consist of three officers, designated industrial accident commissioners.

In the department of agriculture:

Superintendent of horticulture for the bureau of horticulture.

Superintendent of livestock for the bureau of livestock.

Superintendent of food, dairies, weights and measures (foods and standards), for the bureau of foods, dairies, weights and measures (foods and standards).

Secretary of the Oregon State Fair.

In the department of trade and commerce:

Superintendent of corporations for the bureau of corporations.

Superintendent of insurance for the bureau of insurance.

Superintendent of banks for the bureau of banks.

The public utilities commission, which shall consist of three officers, designated public utilities commissioners.

In the department of public welfare:

Superintendent of printing and supplies for the bureau of printing and supplies.

In the department of public works and domain:

Water engineer for the bureau of waters.

Superintendent of forests for the bureau of forests.

Superintendent of mines and geology for the bureau of mines and geology.

Fish and game warden for the bureau of fish and game.

The above named officers, and each of them, shall, except as otherwise provided in this Act, be under the direction, supervision and control of the commissioner of their respective departments, and shall perform such duties as such commissioner shall prescribe.

Section 6. The executive and administrative officers whose offices are hereby created by this Act shall receive annual salaries, payable in equal monthly instalments, as follows:

In the department of taxation and revenue:

The commissioner of taxation and revenue shall receive _____.

In the department of education:

The commissioner of education shall receive _____.

The superintendent of registration shall receive _____.

In the department of labor:

The commissioner of labor shall receive _____.

The superintendent of industrial welfare shall receive _____.

Each industrial accident commissioner shall receive _____.

In the department of health:

The commissioner of health shall receive _____.

In the department of agriculture:

The commissioner of agriculture shall receive _____.

The superintendent of horticulture shall receive _____.

The superintendent of livestock shall receive _____.

The superintendent of food, dairies, weights and measures (foods and standards) shall receive _____.

The secretary of the state fair shall receive _____.

In the department of trade and commerce:

The commissioner of trade and commerce shall receive _____.

The superintendent of corporations shall receive _____.

The superintendent of insurance shall receive _____.

The superintendent of banks shall receive _____.

Each public utilities commissioner shall receive _____.

In the department of public welfare:

The commissioner of public welfare shall receive _____.

The superintendent of printing and supplies shall receive _____.

In the department of public works and domain:

The commissioner of public works and domain shall receive _____.

The water engineer shall receive _____.

The superintendent of forests shall receive _____.

The superintendent of mines and geology shall receive _____.

The state fish and game warden shall receive _____.

Section 7. Advisory and nonexecutive boards in the respective departments are created as follows:

In the department of education:

A board of educational advisors, composed of seven persons of whom the superintendennt of public instruction shall be one.

In the department of labor:

A board of industrial welfare advisors composed of three persons.

In the department of agriculture:

A board of agricultural advisors composed of nine persons.

In the department of public works and domain:

A board of forest advisors composed of five persons.

A board of fish and game advisors composed of five persons.

Each member of the advisory and nonexecutive boards shall receive no salary but shall receive actual expenses. The members of each of the above named boards shall be officers.

Section 8. Each advisory and nonexecutive board, except as otherwise expressly provided in this act, shall, with respect to its field of work, or that of the department with which it is associated, have the following powers and duties:

1. To consider and study the entire field; to advise the executive officers of the department upon their request, or to recommend, on its own initiative, policies and practices, which recommendations the executive officers of the department shall duly consider, and to give advice or make recommendations to the governor and the legislature when so requested, or on its own initiative.

2. To investigate the conduct of the work of the department with which it may be associated, and for this purpose to have access, at any time, to all books, papers, documents and records pertaining or belonging thereto, and to require written or oral information from any officer or employe thereof.

3. To adopt rules, not inconsistent with law, for its internal control and management, a copy of which rules shall be filed with the commissioner of the department with which such board is associated.

4. To hold meetings at such times and places as may be desirable, not less frequently, however, than semiannually.

5. To act by a subcommittee, or by a majority of the board, if the rules so prescribe.

6. To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the commissioner of the department.

7. To give notice to the governor and to the commissioner of the department with which it is associated of the time and place of every meeting, regular or special, and to permit the governor and commissioner of the department to be present and to be heard upon any matter coming before such board.

Section 9. Neither the superintendent of registration, nor any other executive and administrative officer in the department of education shall be affiliated with any college or school of medicine, dentistry, chiropractic, barbering, optometry, nursing, pharmacy, veterinary medicine and surgery or accountancy, either as teacher, officer or stockholder, nor shall

he hold a license or certificate to exercise or practice any of the professions, trades or occupations regulated.

Section 10. The commissioner of health shall be a person licensed to practice medicine and surgery in this state, and shall have had at least five years' practical experience in the practice of medicine and surgery in this state, and at least five years' practical experience in public health work.

The commissioner of agriculture shall be a man with actual farming experience.

No public utilities commissioner shall be in the employ of, or holding official relation to, any corporation or person subject in whole or in part to regulation by him, nor shall he hold stocks or bonds in any such corporation, or be in other manner pecuniarily interested therein directly or indirectly, and if any public utilities commissioner or employe shall voluntarily become so interested, his office or employment shall, ipso facto, become vacant, and if any public utilities commissioner or employe becomes so interested otherwise than voluntarily he shall within a reasonable time, divest himself of such interest.

Of the six appointive members of the board of educational officers, three shall be representatives of, experienced in and chiefly interested in the common and high schools of the state and the other three shall be representative of, experienced in and chiefly interested in higher education. Of the three members representative of higher education, one shall be appointed from the persons recommended by the board of regents of the University of Oregon; one shall be appointed from the persons recommended by the board of regents of the Oregon State Agricultural College, and one shall be appointed from the persons recommended by the board of regents of the normal schools.

Of the board of industrial welfare advisors, one shall represent the interests of the employing class and one shall represent the interests of the employed class, and the third shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

Of the nine agricultural advisors, three shall be persons engaged in agricultural industries or experienced therein. Three shall be persons engaged in horticultural pursuits or experienced therein, and one of three shall be from the Willamette valley, one from Southern Oregon, and one from Eastern Oregon; and three shall be persons engaged in animal industry or experienced therein, one to be recommended and nominated by the executive committee of the Oregon Woolgrowers' Association; one to be recommended and nominated by the executive committee of the Oregon Pure Bred Livestock Association, and the third to be recommended and nominated by the executive committee of the Oregon State Dairy-men's Association.

The board of forestry advisors shall be appointed from and upon the authoritative recommendation of the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturers' Association, the United States Forest Service and the Oregon Woolgrowers' Association, each to select and name one, and in the absence of such recommendation the governor shall make appointments.

Two of the members of the board of fish and game advisors shall be bona fide residents of Game District No. 1, and the other two of the mem-

bers of said board shall be bona fide residents of Game District No. 2, and one shall be chosen at large.

DEPARTMENT OF TAXATION AND REVENUE

Section 11. The department of taxation and revenue shall have power:

1. To exercise the rights, powers and duties vested by law in the State Tax Commission, the tax commissioner and its other officers and employees.

2. To exercise the rights, powers and duties vested by law in the state treasurer by Chapter 17 of Title XVI, Sections 1191 to 1232, inclusive, of Lord's Oregon Laws, and all amendments thereto, or any future amendments or modifications thereof, and all other laws now existing or hereafter enacted relating to inheritance or income taxes.

3. To exercise the rights, powers and duties vested by law in the secretary of state in the preparation of the budget, by Chapter 284 of the General Laws of Oregon for 1913 and all amendments thereto, or any future amendments or modifications thereof, and all other laws now existing or hereafter enacted relating to the budget; provided, however, that said budget shall be prepared and compiled under the supervision of the governor, and when completed shall be transmitted by him to the legislature as a statement of the financial needs of the various departments for which he assumes responsibility.

4. To prepare and report to the governor, when requested, estimates of the income and revenue of the state, and for this purpose to require from any department or subordinate thereof any estimate, reports or other data necessary therefor.

5. At the request of the governor to collect data and reports of the workings of legislation in other states and otherwise assist said officer.

DEPARTMENT OF EDUCATION

Section 12. The superintendent of public instruction shall be the commissioner of the department of education and the department through said official shall exercise the rights, powers and duties vested by law in that office.

The department of education shall have power:

1. To exercise the rights, powers and duties vested by law in the state board of education, its secretary and other officers and employees.

2. To exercise the rights, powers and duties vested by law in the trustees of the state library, the state librarian and other officers and employees and to appoint the state librarian.

3. To exercise through the advisory and nonexecutive board in the department of education, the rights, powers and duties vested by law in the state board of text book commissioners, its chairman, secretary and other officers and employees.

4. To exercise through the advisory and nonexecutive board in the department of education, the rights, powers and duties vested by law in the board of higher curricula, its chairman, secretary and other officers and employees.

5. To exercise the rights, powers and duties vested by law in the board of medical examiners, its president, secretary, treasurer and other officers and employees.

6. To exercise the rights, powers and duties vested by law in the state

board of dental examiners, its president, secretary and other officers and employees.

7. To exercise the rights, powers and duties vested by law in the state board of chiropractic examiners, its president, vice president, secretary-treasurer and other officers and employees.

8. To exercise the rights, powers and duties vested by law in the board of barber examiners, its president, secretary, treasurer, deputy examiner and other officers and employees.

9. To exercise the rights, powers and duties vested by law in the Oregon state board of examiners in optometry, its president, secretary and other officers and employees.

10. To exercise the rights, powers and duties vested by law in the state board of examination and registration of graduate nurses, its president and inspector of training schools of nurses, secretary, treasurer and other officers and employees.

11. To exercise the rights, powers and duties vested by law in the board of pharmacy examiners, its president, secretary, treasurer and other officers and employees.

12. To exercise the rights, powers and duties vested by law in the Oregon state veterinary medical examining board, its president, secretary and other officers and employees.

13. To exercise the rights, powers and duties vested by law in the state board of accountancy, its president, secretary and other officers and employees.

14. To exercise the rights, powers and duties vested by law in the board of pilot commissioners, its president, secretary and other officers and employees.

Section 13. The department of education shall, wherever the several laws relating to professions, trades and occupations which are devolved upon the department for administration so require, exercise, in its name, but subject to the provisions of this Act, the following powers:

1. Conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade and occupation for which an examination is held; and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

2. Prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades or occupations.

3. Prescribe rules and regulations defining for the respective professions, trades and occupations what shall constitute a school, college or university, or department of a university, or other institutions, reputable and in good standing and to determine the reputability and good standing by reference to a compliance with such rules and regulations.

4. Adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction and training to be observed by all schools for nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools for nurses by reference to a compliance with such rules and regulations.

5. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons exercising the respective professions, trades or occupations, and to revoke or refuse to renew licenses, certificates or authorities.

6. Formulate rules and regulations when required in any act to be administered.

None of the above enumerated functions and duties shall be exercised by the department of education, except upon the action and report in writing of persons designated from time to time by the superintendent of registration to take such action and to make such reports, for the respective professions, trades and occupations as follows:

For the medical practitioners, six persons from among the most competent physicians of the state, all of whom shall have been residents of the state for seven years and of at least five years' practical experience in their profession, three of whom shall be regular, one eclectic, one homeopathist, and one reputable practitioner of osteopathy selected from a number of not less than three who are recommended by the State Osteopathic Association.

For the dentists, five persons, provided however, that no person shall be eligible who does not at the time of his appointment and qualification, hold a certificate entitling him to practice dentistry in the State of Oregon, and no one of whom is in any way connected with or interested in any dental college, or dental department of any institution of learning.

For the Chiropractors, three persons residents of the State of Oregon who shall have been duly licensed under the provisions of Chapter 325 of the General Laws of Oregon for 1915 or who shall have resided and practiced chiropractic in said state for at least one year previous to the passage of said Act.

For the barbers, three practical barbers, each of whom shall be a barber of not less than four years' experience preceding his designation and a resident of this state for five years.

For the optometrists, three persons selected from a list of nine competent optometrists furnished by the Oregon State Association of Optometrists at the regular meeting of said association, next prior to the appointment of said members. No person shall be eligible to membership who is connected, either directly or indirectly with the wholesale optical business, and who is not engaged in the actual practice of optometry, a citizen of the United States and a resident of the State of Oregon.

For the registered nurses, three persons, each of whom at the time of appointment must be an actual resident of the state and engaged in nursing work or work pertaining to nursing and shall have been graduated for a period of at least five (5) years from a reputable training school for nurses, and shall have been registered under the provisions of Chapter 32 of the Laws of Oregon for 1911 and amendments thereto.

For the pharmacists, five persons from the most competent registered pharmacists residing in different parts of the state who are not teachers or instructors in any technical institution teaching pharmacy, each of whom shall be a registered pharmacist in the State of Oregon for at least five years previous to his appointment and who must be actually engaged in the practice of pharmacy at the time of his appointment.

For the veterinary practitioners, five competent practitioners of veterinary medicine and surgery who shall be graduate veterinarians from veterinary colleges or veterinary departments of universities or colleges of good standing and repute and not more than two of whom shall be graduates of the same veterinary college or veterinary departments of

a university or college, and neither of whom shall be connected with any veterinary college in any capacity.

For the accountants, five duly licensed accountants or five persons who shall be skilled in the practice of accounting, who shall have been actively engaged therein on their own account within the State of Oregon for a period of at least two years next preceding the passage of Chapter 76 of the General Laws of Oregon for 1913.

For the pilots, three persons each of whom shall be over 21 years of age and a citizen of the United States and of the State of Oregon and at least one of whom shall be a resident of Clatsop county, and at least one a resident of Multnomah county.

The action or report in writing of a majority of the persons designated for any given trade, occupation or profession, shall be sufficient authority upon which the superintendent of registration shall act.

In making the designation of persons to act for the several professions, trades and occupations, the superintendent shall give due consideration to recommendation by members of the respective professions, trades and occupations and by organizations therein; and until the expiration of the term of the respective state board now constituting the board for that profession, said members shall be designated to act for their respective professions, trades and occupations.

Whenever the superintendent is satisfied that substantial justice has not been done either in an examination or in the revocation of or refusal to renew a license, certificate or authority, he shall order reexamination or rehearing by the same or other examiners.

All certificates, licenses and authorities shall be issued by the department of education in the name of such department, with the seal thereof attached.

DEPARTMENT OF LABOR

Section 14. The department of labor shall have power:

1. To exercise the rights, powers and duties vested by law in the bureau of labor statistics and inspector of factories and workshops and in the commissioner of labor statistics and inspector of factories and workshops, his officers and employees.

2. To exercise the rights, powers and duties vested by law in the board of inspectors of child labor, its secretary and other officers and employees.

3. To exercise the rights, powers and duties vested by law in the industrial welfare commission, its president, secretary and other officers and employees.

4. To exercise through the industrial accident commission created by this Act, all the rights, powers and duties vested by law in the state industrial accident commission, its chairman and other officers and employees.

All laws now administered by the state industrial accident commission shall be administered by the industrial accident commission created by this Act, and in its name without any direction, supervision or control by the commissioner of labor.

DEPARTMENT OF HEALTH

Section 15. The department of health shall have power:

1. To exercise the rights, powers and duties vested by law in the

state board of health, its secretary, health officers and other officers and employees.

2. To exercise the rights, powers and duties vested by law in the state bacteriologist.

3. In cooperation with the superintendent of the Oregon State Hospital, the superintendent of the Eastern Oregon State Hospital, the superintendent of the state institution for feeble-minded and the superintendent of the Oregon State Penitentiary, the commissioner of health shall exercise the rights, powers and duties vested by law in the state board of eugenics.

DEPARTMENT OF AGRICULTURE

Section 16. The department of agriculture shall have power:

1. To exercise the rights, powers and duties vested by law in the state lime board, its chairman and other officers and employees.

2. To exercise the rights, powers and duties vested by law in the standing committee on agricultural lime, its chairman, secretary, trustee or trustees and other officers and employees.

3. To exercise the rights, powers and duties vested by law in the state chemist and his deputy.

4. To exercise the rights, powers and duties vested by law in the pure seed board, its secretary and other officers and employees.

5. To exercise the rights, powers and duties vested by law in the board of state fair directors, its president, secretary-treasurer and other officers and employees.

6. To exercise the rights, powers and duties vested by law in the dairy and food commissioner, his deputies and other officers and employees.

7. To exercise the rights, powers and duties vested by law in the state treasurer as state sealer of weights and measures deputy state sealer of weights and measures and their officers and employees and all laws and regulations now or hereafter enacted relative to weights and measures and to standards of quantity or quality of and for commodities, also all laws now or hereafter enacted relating to safety and purity of illuminating gasoline and linseed oils, blasting powder and fertilizers.

8. To exercise the rights, powers and duties vested by law in the board of horticulture, its secretary and other officers and employees, provided, however, that the present members of the state board of horticulture shall still continue to act as district deputies under the superintendent of horticulture for the balance of their respective terms.

9. To exercise the rights, powers and duties vested by law in the state livestock sanitary board, its president, secretary, the state veterinarian and sheep inspector and other officers and employees.

10. To exercise the rights, powers and duties vested by law in the board of sheep commissioners and state sheep inspector, its president, secretary and other officers and employees.

11. To exercise the rights, powers and duties vested by law in the stallion registration board, its president, secretary and other officers and employees.

12. To exercise the rights, powers and duties vested by law in the advisory live stock brand adjusting board, its secretary and other officers and employees.

13. To exercise the rights, powers and duties vested by law in the state veterinarian as ex officio state recorder of brands.

14. To exercise the rights, powers and duties vested by law in the bee inspector by Chapter 283 of the General Laws of Oregon for 1917.

DEPARTMENT OF TRADE AND COMMERCE

Section 17. The department of trade and commerce shall have power:

1. To exercise the rights, powers and duties vested by law in the corporation department of the State of Oregon, the corporation commissioner, his officers and employees.

2. To exercise the rights, powers and duties vested by law in the department of insurance of the State of Oregon in the state insurance commissioner, his officers and employees.

3. To exercise the rights, powers and duties vested by law in the state fire marshal, deputy fire marshal, inspectors and other officers and employees of the state fire marshal.

4. To exercise the rights, powers and duties vested by law in the state banking department and state banking board, the superintendent of banks and their officers and employees.

5. To exercise through the public utilities commission created by this Act all rights, powers and duties vested by law in the public service commission, its chairman, secretary and other officers and employees.

All laws now administered by the public service commission shall be administered by the public utilities commission created by this Act, and in its name without any direction, supervision or control by the commissioner of trade and commerce.

DEPARTMENT OF PUBLIC WELFARE

Section 19. The department of public welfare shall have power:

1. To exercise the rights, powers and duties vested by law in the Oregon State Board of Control, its secretary and all other officers and employees.

2. To exercise the rights, powers and duties vested by law in the board of public building commissioners, its officers and employees under Chapter IV of Title XXIII of Lord's Oregon Laws and Chapter IV of Title XLIII of Lord's Oregon Laws.

3. To exercise the rights, powers and duties vested by law in the Governor over the Oregon State Penitentiary, its warden and other officers and employees.

4. To exercise through the commissioner of the department, the parole officer and the secretary to the governor, the rights, powers and duties now vested by law in the parole board, its officers and employees.

5. To exercise the rights, powers and duties vested by law in the state printing board, its secretary and other officers and employees.

6. To exercise the rights, powers and duties vested by law in the trustees of the McLoughlin Home, and to have charge of the provisional government park at Champoeg and to erect, supervise and maintain all public monuments and memorials erected by the state where the supervision and maintenance thereof is not otherwise provided by law.

THE DEPARTMENT OF PUBLIC WORKS AND DOMAIN

Section 20. The department of public works and domain shall have power:

1. To exercise the rights, powers and duties vested by law in the state engineer, his officers and employees.

2. To exercise the rights, powers and duties vested by law in the state water board, its president, secretary and other officers and employes, and the superintendents of water divisions, their officers and employes.

3. To exercise the rights, powers and duties vested by law in the desert land board, its secretary, assistant secretary and its other officers and employes.

4. To exercise the rights, powers and duties vested by law in the state board of forestry, its president, secretary and state forester, deputy state forester and other officers and employes.

5. To exercise the rights, powers and duties vested by law in the Oregon bureau of mines and geology, the commissioner of the bureau of mines and geology and its director and other officers and employes.

6. To exercise the rights, powers and duties vested by law in the state board of fish and game commissioners, its secretary, the master fish warden, the state game warden, its other officers and employes.

The advisory and nonexecutive boards in the department of public works and domain shall discharge the following advisory powers and functions.

The board of forest advisors shall advise relative to the conservation, use and development of forest resources of the state.

The board of fish and game advisors shall advise relative to the protection, propagation and conservation of the fish and game resources of the state.

Section 21. The balance of any fund heretofore appropriated for the maintenance of any office, board, commission or other state agency remaining unexpended at the time of the going into effect of this Act, shall be added to and become a part of the appropriation or moneys available for the balance of the years 1921-1922 for the use of the office, bureau, board or commission with which such consolidation is effected.

Each executive and administrative officer, shall devote his entire time to the duties of his office and in case of violation of this provision his office or employment shall, ipso facto, become vacant.

The commissioner of labor and of education shall be elected at the general election at which the governor is elected to serve during the four-year term for which the incoming governor was elected; and in case of vacancy, the governor shall fill the office by appointment until the next general election at which time, unless a new commissioner would be voted on at that election for a four-year term, a commissioner shall be elected for a two-year term to fill the unexpired term of said office.

The commissioners of the several departments together with the secretary of state, state treasurer, and attorney-general shall, if the governor so desires, constitute his cabinet and shall have such meetings as he may direct.

The commissioners of taxation and revenue, health, agriculture, trade and commerce, public welfare, and public works and domain shall each be appointed by the incoming governor to serve during the four year term for which the incoming governor appointing such commissioner was elected, unless sooner removed by him; and in case of vacancy, the governor shall fill the office by appointment for the unexpired term.

The commissioners of the several departments except as otherwise provided herein shall appoint the heads of bureaus; and each officer whose office is created by this Act, except as otherwise specifically provided for in this Act, shall hold office for a term of four years from the date

of the taking office of the governor in January in the year after the election of a governor, and until his successor is appointed and qualified.

Each officer whose office is created by this Act, shall before entering upon the duties of his office, take and subscribe the constitutional oath of office, which shall be filed in the office of the secretary of state.

Each executive and administrative officer whose office is created by this Act shall, before entering upon the discharge of the duties of his office, give bond, with security to be approved by the governor in such penal sum as shall be fixed by the governor, not less in any case than ten thousand dollars, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the secretary of state.

The commissioner of each department is empowered to prescribe regulations, not inconsistent with law, for the government of his department, conduct of its employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents and property pertaining thereto.

Each department shall be open for the transaction of public business at least from eight o'clock in the morning until five o'clock in the evening of each day except Sunday and holidays declared such by the laws of Oregon.

Each department shall adopt and keep an official seal.

Each department is empowered to employ, subject to civil service laws in force at the time the employment is made, if any, necessary employees, and, if the rate of compensation is not otherwise fixed by law, to fix their compensation.

All employes in the several departments shall render not less than eight hours of labor each day, except Sundays and holidays declared such by the laws of Oregon.

Each employee in the several departments shall be entitled during each calendar year to fourteen days' leave of absence with full pay.

No employee in the several departments, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law.

Every officer and employee in the several offices, boards and commissions at the time this act takes effect shall be assigned to a position in the proper department created by this act, having, so far as possible, duties equivalent to his former office or employment. This section shall not be construed to require the retention of more employees than are necessary to the proper performance of the functions of the departments.

Each commissioner of a department shall annually at the close of the fiscal year and at such other times as the governor may require, report in writing to the governor, concerning the condition, management and financial transactions of their respective departments.

The commissioners of departments shall devise a practical and working basis for cooperation and coordination of work, eliminating duplication and overlapping of functions. They shall, so far as practicable, cooperate with each other in the employment of service and the use of quarters and equipment. The commissioner of any department may empower or require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty which he might require of his own subordinates.

Whenever in this act power is vested in a department to inspect, examine, secure data or information, or to procure assistance from an-

other department, a duty is hereby imposed upon the department upon which demand is made, to make such power effective.

Whenever rights, powers and duties, which have heretofore been vested in or executed by any officer, board, commission, institution or department, or any deputy, inspector or subordinate officer thereof, are, by this act, transferred, either in whole or in part, to or vested in a department created by this act, such rights, powers and duties shall be vested in and shall be exercised by the department to which the same are hereby transferred, and not otherwise, and every act done in the exercise of such rights, powers and duties shall have the same legal effect as if done by the former officer, board, commission, institution or department, or any deputy, inspector or subordinate officer thereof. Every person and corporation shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties were exercised by the officer, board, commission, department or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this act. Every person and corporation shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in the exercise of such rights, powers or duties by the officer, board, commission or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this act. Every officer and employe shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employe whose powers or duties devolved upon him under this act. All books, records, papers, documents, property, real and personal, unexpended appropriations and pending business in any way pertaining to the rights, powers and duties, so transferred to or vested in a department created by this act, shall be delivered and transferred to the department succeeding to such rights, powers and duties.

Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon any officer, board, commission or institution, or deputy, inspector or subordinate thereof, abolished by this act, the same shall be made, given, furnished, or served in the same manner to or upon the department upon which are devolved by this act the rights, powers and duties now exercised or discharged by such officer, board, commission, or institution, or deputy, inspector or subordinate thereof; and every penalty for failure so to do shall continue in effect.

This act shall not affect any act done, ratified or confirmed or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect; but such actions or proceedings may be prosecuted and continued by the department having jurisdiction, under this act, of the subject matter to which such litigation or proceeding pertains.

Section 22. The following officers, boards, commissions, bureaus, arms and agencies of the state government heretofore created by law are hereby abolished, viz: state tax commission, tax commissioner, state board of education, state board of text book commissioners, chairman of the state board of text book commissioners, secretary of the state board of text book

commissioners, the board of higher curricula, chairman of the board of higher curricula, secretary of the board of higher curricula, trustees of the state library, bureau of labor statistics and inspector of factories and workshops, board of inspectors of child labor, secretary of the board of inspectors of child labor, industrial welfare commission, chairman of the industrial welfare commission, secretary of the industrial welfare commission, state industrial accident commission, chairman of the state industrial accident commission, state board of health, president of the state board of health, secretary of the state board of health, state health officer, board of medical examiners, president of the board of medical examiners, vice president of the board of medical examiners, secretary of the board of medical examiners, treasurer of the board of medical examiners, state board of dental examiners, president of the state board of dental examiners, secretary of the state board of dental examiners, state board of chiropractic examiners, president of the state board of chiropractic examiners, vice president of the state board of chiropractic examiners, secretary-treasurer of the state board of chiropractic examiners, state board of barber examiners, president of the state board of barber examiners, secretary of the state board of barber examiners, treasurer of the state board of barber examiners, deputy examiner of the state board of barber examiners, Oregon state board of examiners in optometry, president of the Oregon state board of examiners in optometry, secretary of the Oregon state board of examiners in optometry, state board of examination and registration of graduate nurses, president of the state board of examination and registration of graduate nurses, secretary of the state board of examination and registration of graduate nurses, Oregon board of pharmacy, president of the Oregon board of pharmacy, secretary of the Oregon board of pharmacy, treasurer of the Oregon board of pharmacy, Oregon state veterinary medical board, president of the Oregon state veterinary medical board, secretary of the Oregon state veterinary medical board, state board of accountancy, president of the state board of accountancy, secretary of the state board of accountancy, the board of pilot commissioners, president of the board of pilot commissioners, secretary of the board of pilot commissioners, board of state fair directors, president of the board of state fair directors, secretary of the board of state fair directors, treasurer of the board of state fair directors, board of horticulture, president of the board of horticulture, secretary of the board of horticulture, state livestock sanitary board, secretary of the state livestock sanitary board, state veterinarian, board of sheep commissioners, president of the board of sheep commissioners, secretary of the board of sheep commissioners, state sheep inspector, stallion registration board, president of the stallion registration board, secretary of the stallion registration board, state veterinarian as ex officio state recorder of brands, standing committee on agricultural lime, chairman of the standing committee on agricultural lime, secretary of the standing committee on agricultural lime, advisory livestock brand adjusting board, secretary of the advisory livestock brand adjusting board, state chemist, state lime board, chairman of the state lime board, dairy and food commissioner and the following in his office: a chief deputy, one deputy learned in butter and cheese making, three deputies versed in dairy husbandry, clerk-stenographer; state treasurer as state sealer of weights and measures, deputy state sealer of weights and measures, bee inspector, state banking department, state banking board, superintendent of banks, department of insurance of the State of Oregon, state insurance

commissioner, corporation department of the State of Oregon, corporation commissioner, public service commission of Oregon, chairman of the public service commission of Oregon, secretary of the public service commission of Oregon, Oregon state board of control, secretary of the Oregon state board of control, board of public building commissioners created by Chapter 4 of Title XXIII of Lord's Oregon Laws, board of public building commissioners created by Chapter 4 of Title XLIII of Lord's Oregon Laws, custodian of the capitol and supreme court buildings, state printing board, secretary of the state printing board, parole board, trustees of McLoughlin Home, state engineer, state water board, president of the state water board, secretary of the state water board, superintendent for water division No. 1, superintendent for water division No. 2, state board of forestry, state forester, deputy state forester, chairman of the state board of forestry, secretary of the state board of forestry, Oregon bureau of mines and geology, the commission of the bureau of mines and geology, director of the Oregon bureau of mines and geology, board of fish commissioners, state board of fish and game commissioners, secretary of the state board of fish and game commissioners, master fish warden, and the state game warden.

Section 23. All acts or parts of acts in conflict herewith are hereby repealed; provided, however, all laws now in force shall continue in force and effect for the purpose of all prosecutions heretofore or hereafter begun for the violation thereof and for all actions or suits heretofore or hereafter brought, based on the violation thereof.

Section 24. If any section, subdivision, sentence or clause in this act shall for any reason be held unconstitutional, it is hereby provided that all parts of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

This act shall take effect on the fifteenth day of January, 1921.

Section 25. Inasmuch as the following have been in active charge of the work now transferred to consolidated departments or bureaus thereof, they are each made officers of the new departments to hold office until the end of the term for which the present governor was elected at the same salaries as now received.

Chas. V. Galloway, present tax commissioner, shall be commissioner of taxation and revenue; J. A. Churchill, present superintendent of public instruction, shall be superintendent of public instruction and commissioner of education; C. H. Gram, present commissioner of labor statistics and inspector of factories and workshops, shall be commissioner of labor; Dr. A. C. Seely, present health officer, shall be commissioner of health; Mrs. Trumbull, present secretary of the board of inspectors of child labor of the industrial welfare commission, shall be superintendent of the bureau of industrial welfare; Dr. W. H. Lytle, present state veterinarian, shall be superintendent of the bureau of livestock. Each state industrial accident commissioner shall be an industrial accident commissioner; J. D. Mickle, present dairy and food commissioner, shall be superintendent of the bureau of foods and standards; A. H. Lea, present secretary of the Oregon state fair, shall be secretary of the Oregon state fair; H. J. Schuderman, present corporation commissioner, shall be superintendent of the bureau of corporations; Harvey Wells, present insurance commissioner, shall be superintendent of the bureau of insurance; Wm. H. Bennett, present superintendent of banks, shall be superintendent of the bureau of banks. Each public service commissioner shall be a public utilities com-

missioner; W. M. Plimpton, present secretary of the state printing board, shall be superintendent of printing and supplies; Percy Cupper, present state engineer, shall be superintendent of the bureau of water; F. A. Elliott, present state forester, shall be superintendent of the bureau of forests; Carl D. Shoemaker, present game warden, shall be superintendent of the bureau of fish and game.

The last paragraph is a suggestion to avoid legislating officials out of office.

NOTE: Original bill on file in attorney-general's office; for possible errors in printed bill consult original.

APPENDIX

Following is a list of present state officials with notations as to number on the several boards and reference to laws providing for same:

General Officials

Governor.
Secretary of state.
State treasurer.
Attorney-general.
State land board.
Clerk state land board.
Board of regents, University of Oregon.—4233.
Board of regents, Oregon State Agricultural College.—4252.
Board of regents normal school.—4300.

Tax Agencies

State tax commission.—L. 1917, 445; L. O. L. 3614, 3647 to 3652.
Tax commissioner.

Educational Agencies

State board of education, 3 officials.—3948.
State board of text book commissioners, 5 officials.—4211.
Chairman of the state board of text book commissioners.
Secretary of the state board of text book commissioners.
Board of higher curricula, 5 officials.—1283.
Chairman of the board of higher curricula.
Secretary of the board of higher curricula.
Trustees of the State Library, 6 officials.—L. 1913, C. 149.
State librarian.
Board of medical examiners, 6 officials.—4731 to 4746; 1917, p. 729.
President of the board of medical examiners.
Secretary of the board of medical examiners.
Treasurer of the board of medical examiners.
State board of dental examiners, 5 officials.—4774.
President of the state board of dental examiners.
Secretary of the state board of dental examiners.
State board of chiropractic examiners, 3 officials.—L. 1915, p. 502.
President of the state board of chiropractic examiners.
Vice-president of the state board of chiropractic examiners.
Secretary-treasurer of the state board of chiropractic examiners.
State board of barber examiners, 3 officials.—4814.
President of the state board of barber examiners.
Secretary of the state board of barber examiners.—4814.
Treasurer of the state board of barber examiners.
Deputy examiner of the state board of barber examiners.
Oregon state board of examiners in optometry, 3 officials.—1787.
President of the Oregon state board of examiners in optometry.
Secretary of the Oregon state board of examiners in optometry.
State board of examination and registration of graduate nurses, 3 officials.—1911, pp. 48 to 52; 1915, p. 273.
President of the state board of examination and registration of graduate nurses.

Secretary of the state board of examination and registration of graduate nurses.

Oregon board of pharmacy, 5 officials.—4750.

President of the Oregon board of pharmacy.

Secretary of the Oregon board of pharmacy.

Treasurer of the Oregon board of pharmacy.

Oregon state veterinary medical board, 5 officials.—4803.

President of the Oregon state veterinary medical board.

Secretary of the Oregon state veterinary medical board.

State board of accountancy, 4 officials.—1913, p. 114.

President of the state board of accountancy.

Secretary of the state board of accountancy.

The board of pilot commissioners, 4 officials.—5156; 1917, p. 242.

President of the board of pilot commissioners.

Secretary of the board of pilot commissioners.

Labor Agencies

Bureau of labor statistics and inspector of factories and workshops.—

L. O. L. 5014 to 5022; 1911, C. 48; 1915, C. 329; 1915, C. 128; 1917, C. 393.

Commissioner of labor statistics and inspector of factories and workshops.

Board of inspectors of child labor, 4 officials.—5023 to 5036; 1911, C. 138.

Secretary of the board of inspectors of child labor.

Industrial welfare commission, 4 officials.—1913, C. 62.

Chairman of industrial welfare commission.

State industrial accident commission, 3 officials.—1913, C. 112; 1915, C. 271; 1917, C. 288; 1917, C. 393.

Chairman of the state industrial accident commission.

Health Agencies

State board of health, 7 officials.—4686 to 4730; 1915, p. 273.

President of the state board of health.

Vice-president of the state board of health.

Secretary of the state board of health.

State health officer.

Agricultural Agencies

Board of state fair directors, 6 officials.—1913, p. 163.

President of the board of state fair directors.

Secretary of the board of state fair directors.

Treasurer of the board of state fair directors.

Board of horticulture, 7 officials.—5470; 1917, p. 138; 1917, p. 173.

President of the board of horticulture.

Secretary of the board of horticulture.

State live stock sanitary board, 8 officials.—5644; 1913, pp. 34 to 39; 1913, pp. 48 to 50; 1913, p. 241.

Secretary of the state live stock sanitary board.

State veterinarian.

Board of sheep commissioners, 3 officials.—5676, 5679.

President of the board of sheep commissioners.

Secretary of the board of sheep commissioners.

State sheep inspector.
Stallion registration board, 4 officials.—1911, p. 345; 1915, p. 43.
President of the stallion registration board.
Secretary of the stallion registration board.
State veterinarian as ex officio state recorder of brands.
Standing committee on agricultural lime, 5 officials.—1917, p. 115.
Chairman of the standing committee on agricultural lime.
Secretary of the standing committee on agricultural lime.
Advisory live stock brand adjusting board, 3 officials.—1917, p. 115.
Secretary of the advisory live stock brand adjusting board.
State chemist.
State lime board.—1917, p. 828.
Chairman of the state lime board.
Dairy and food commissioner.—4826, 4992, 4996, 5647.
And the following in his office:
A chief deputy.
One deputy learned in butter and cheese making.
Three deputies versed in dairy husbandry.
Clerk.
Stenographer.
State treasurer as sealer of weights and measures.—6060; 1913, p. 637.
Deputy state sealer of weights and measures.
Bee inspector.

Agencies Regulating Corporations, Etc. (Trade and Commerce)

State banking department.
State banking board, 3 officials.—1913, p. 527.
Superintendent of banks.—4557.
Department of insurance of the State of Oregon.—1917, p. 312.
State insurance commissioner.
Corporation department of the State of Oregon.—1913, p. 668.
Corporation commissioner.
Public service commission of Oregon.—1917, pp. 28 to 30; pp. 160, 209,
253, 691, 708, 927.
Chairman of the public service commission of Oregon.
Secretary of the public service commission of Oregon.

Agencies Governing State Institutions. (Public Welfare)

Board of public building commissioners created by Chapter IV of Title
XXIII of Lord's Oregon Laws.
Board of public building commissioners, created by Chapter IV of Title
XLIII of Lord's Oregon Laws.
Custodian of Capitol and Supreme Court buildings.—1913, pp. 125 to
131; pp. 268, 667.
Oregon state board of control, 4 officials.—1913, pp. 120, 232, 414.
Secretary of the Oregon state board of control.
State printing board.—1915, p. 389.
Secretary of the state printing board.
State printer.—Constitution, Art. XII, Sec. 1, 1915, p. 389.
Parole board, 4 officials.—1911, p. 172.
Parole officer.
Trustees of McLoughlin home.



3 0112 098430884

Agencies Regulating Waters, Forests, Mines, Etc., Public Works and Drainage

Desert land board, 6 officials.—3860, p. 1524.
State engineer, 6597, p. 2363.
State water board, 3 officials.—6003, p. 2365.
President of the state water board.—6603, p. 2365.
Secretary of state water board.—6604, p. 2365.
Superintendent for water division No. 1.—6610, p. 2367.
Superintendent for water division No. 2.—6610, p. 2367.
State board of forestry, 8 officials.—9508, p. 2036; L. 1911, C. 278.
State forester.
Deputy state forester.
Chairman of the state board of forestry.—L. 1911, C. 278.
Secretary of the state board of forestry.
Oregon bureau of mines and geology, 8 officials.—L. 1913, C. 324.
The commissioner of the bureau of mines and geology.
Director of the Oregon bureau of mines and geology.
State highway commission, 5 officials.—L. 1917, C. 237.
Highway engineer and highway auditor.
Board of fish commissioners, 3 officials.—5272, C. 1965.
State board of fish and game commissioners, 6 officials.—L. 1915, C. 287.
Secretary of the state board of fish and game commissioners.
Master fish warden.—L. 1915, C. 287.

Miscellaneous Boards and Commissions

Emergency board, 6 officials.—L. 1913, C. 29.
Securities commission, 3 officials.—L. 1917, C. 418.
Irrigation securities commission, 3 officials.—L. 1917, C. 357.
Trustees Burbank fund.